

REMARKS

Claims 9, 11, 15, 19 and 25 are pending in this application. By this Amendment, the specification is amended. This amendment corresponds to the amendment set forth in the Supplemental Amendment filed October 7, 2005.

Claims 9, 11, 15, 19 and 25 under 35 U.S.C. §103 over Sumino et al. in view Guttag. Applicants respectfully traverse the rejection.

35 U.S.C. §103(c)(1) indicates that subject matter that qualifies as prior art only under one or more of subsections (e), (f), and (g) of §102 shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. Under 35 U.S.C. §103(c)(2), subject matter developed by another person and a claimed invention shall be deemed to have been owned by the same person or subject to an obligation of assignment to the same person if the claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made; the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement; and the application for patent for the claimed invention discloses or is amended to disclose the names of the parties to the joint research agreement.

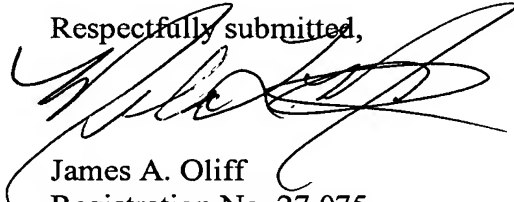
As indicted in the Statement Regarding Joint Research Agreement attached to the Amendment filed July 29, 2005, the claimed invention and Sumino were made by or on behalf of parties to a joint research agreement that was in effect on or before the date of the claimed invention. In addition, the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement. Furthermore, the specification was amended in the Amendment filed July 29, 2005, to disclose the names of the parties to the joint research agreement. As a result, Sumino cannot be applied in a §103 rejection.

Therefore, the §103 rejection over Sumino in view of Guttag should be reconsideration and withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 9, 11, 15, 19 and 25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: January 18, 2006

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